

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CRYSTAL BROWN,
Plaintiff,

vs.

NAVIENT SOLUTIONS, LLC,
Defendant.

Case No. 1:18-cv-398
Dlott, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

Plaintiff Crystal Brown, proceeding pro se, initiated this action in state court under the Fair Credit Reporting Act on May 10, 2018. (Doc. 3). On June 6, 2018, defendant removed this case to federal court pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, and thereafter gave plaintiff notice of this removal. (Doc. 1). On July 13, 2018, defendant filed a motion to dismiss. (Doc. 7). After this motion was filed, the Court sent plaintiff a notice that failure to respond could result in dismissal of her action for lack of prosecution. (Doc. 8). Despite this notice, plaintiff did not file a response to the motion to dismiss.

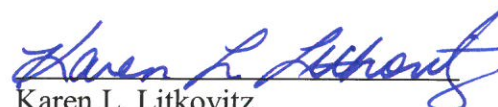
On October 2, 2018, the Court ordered plaintiff to show cause within fifteen (15) days why this Court should not dismiss his case against defendant Navient Solutions, LLC for lack of prosecution. (Doc. 9). To date, plaintiff has not filed a response to the Show Cause Order or to the pending motion to dismiss.

Plaintiff's failure to prosecute this matter and to obey an Order of the Court warrants dismissal of this case under Fed. R. Civ. P. 41(b). *See Jourdan v. Jabe*, 951 F.2d 108, 109-10 (6th Cir. 1991). District courts have the power to *sua sponte* dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962). *See also Jourdan*, 951 F.2d at 109. Although plaintiff is proceeding pro se, the Supreme Court has stated that "we have never

suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel.” *McNeil v. United States*, 508 U.S. 106, 113 (1993).

IT IS THEREFORE RECOMMENDED THAT plaintiff’s case be **DISMISSED** in its entirety for want of prosecution and for failure to obey an Order of the Court.

Date: 10/23/18


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).